



Armenia

Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 25, 2004

Armenia is a constitutional parliamentary democracy; however, the directly elected President has extensive powers of decree and appointment, including of the Prime Minister, that are not balanced by the legislature or an independent judiciary. Robert Kocharian was re-elected President in March. There were flaws and substantial irregularities in both the February and March rounds of the presidential elections and in the May parliamentary elections. A constitutional referendum on executive powers failed in a national vote in May. The Constitution provides for an independent judiciary; however, in practice, judges were subject to pressure from the executive and executive branches, and corruption was a problem.

The National Police and the National Security Service are responsible for domestic security, intelligence activities, border controls, and the police force. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The transition from a centralized command economy to a market economy continued. The country's population was approximately three million. Almost all small and medium-sized enterprises were privatized, as was all agricultural land. Foreign assistance and remittances from abroad played a major role in sustaining the economy. During the year, the gross domestic product grew an estimated 13.9 percent, and the inflation rate was 8.6 percent. Estimates of unemployment ranged from 9 to 20 percent; there was a high degree of income inequality; and an estimated 50 percent of the population lived below the official poverty rate. Foreign assistance and remittances from abroad (estimated by the Central Bank at approximately \$500 million) played a major role in sustaining the economy.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. International observers found both the presidential and parliamentary elections during the year to be well below international standards, with serious irregularities, and opposition supporters were detained between the two rounds of the presidential elections under provisions of the Soviet-era Administrative Code. Security forces beat pretrial detainees. Impunity remained a problem. There were reports of arbitrary arrest and detention. Lengthy pretrial detention remained a problem. There were some limits on press freedom, due in part to self-censorship and denial of two television broadcast licenses. There were some limits on the rights of assembly and association. In February and March, authorities denied permission for several opposition rallies and subsequently detained approximately 200 people for participating in unauthorized demonstrations. The law places some restrictions on religious freedom. The Government continued to deny registration to and detain Jehovah's Witnesses. Societal violence against women was a problem. Trafficking of women and children was a problem, which the Government took some steps to address.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person.

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings; however, there were deaths in the military as a result of mistreatment.

On July 29, the trial began of 13 suspects in the 2002 killing of Tigran Naghdalian (see Section 1.c.).

The Military Prosecutor's Office reported that 35 soldiers died in the army during the year; 9 of these deaths resulted from hazing.

Minor cease-fire violations continued along the border with Azerbaijan. In July, crossborder fire and shelling in the Tavush region resulted in an unconfirmed number of casualties on both sides.

During the year, there were a few deaths due to landmines, although reliable statistics were difficult to obtain. All sides throughout the Nagorno-Karabakh conflict used landmines, which have been laid on the 540-mile border and territories along the contact line.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and laws prohibit such practices; however, security personnel beat pretrial detainees during arrest and interrogation. Most cases of police brutality went unreported because of fear of police retribution.

In December 2002, Murad Bojolian, head of the Turkish desk at the Foreign Ministry during the administration of President Levon Ter-Petrossian, was sentenced to 10 years in prison after being convicted for spying for Turkey. The defense counsel and some human rights watchdogs observed that Bojolian was forced to sign his pretrial testimony under threat of torture and to ensure the safety of his family. In April, the Court of Appeal upheld the verdict.

The Government abolished an article of the criminal code making it illegal to commit homosexual acts; however, the Helsinki Association reported continued unofficial harassment of homosexuals by police forces. In several instances, individual policemen reportedly sought to blackmail homosexuals with potential exposure to their families. In one case, the Helsinki Association reported a blackmail attempt to a Yerevan police precinct chief. According to the Helsinki Association, after they reported the blackmail attempt, the harassment ended. It was unknown if any disciplinary action was taken against the police officers involved.

Although there was no reliable reporting on the full extent of the problem, human rights nongovernmental organizations (NGOs) contended that soldiers complained of frequent hazing. The army did not take any significant measures to limit or end the practice. A local NGO estimated that there were 30 incidents during the year. Homosexuals and Jehovah's Witnesses reported that they were singled out for hazing or abuse by officers and other conscripts.

Prison conditions were poor. Holding and detention cells were crowded with multiple prisoners and usually did not contain toilets. Legal minimum food consumption levels for prisoners were rarely realized. Prisoners complained to Helsinki Association representatives that they received meat in their meals only during the observation visits by NGOs. Prison authorities did not provide most inmates with toothbrushes, soap, and other hygienic supplies. The Helsinki Association reported that the prison population remained at a high risk for the development of new tuberculosis infections and that children held in juvenile facilities were rarely provided with the schooling required by law. The Helsinki Association also reported that in certain prisons, prisoners were able to use their own financial resources to move into single occupancy cells with additional comforts.

Men, women, and juveniles were held in separate prison facilities. Pretrial detainees were held separately from convicted prisoners.

The Government permits domestic human rights NGOs to visit prisons and pretrial detention facilities. The 2002 transfer of administrative control of the prison system to the Ministry of Justice resulted in a policy more accommodating to NGOs seeking to visit prisoners in detention facilities. During the year, the Helsinki Association received permission from the Justice Ministry to conduct monitoring of the penitentiary system, including prison conditions and prisoners' rights. In some cases, domestic NGOs complained of complicated and time-consuming procedures in order to obtain permits for visits; however, international observers, such as those from the Council of Europe, more easily obtained permission for visits. During the year, several domestic NGOs monitored prison conditions. The ICRC had free access to detention facilities and was able to visit any prisoner in whom it had an interest, whether held in prisons or in local police stations. The ICRC and several NGOs were able to visit prisons without monitoring by prison authorities. The Helsinki Association found that on such visits, prisoners spoke freely

and openly about their treatment and prison conditions.

d. Arbitrary Arrests, Detention or Exile

The Constitution and laws prohibit arbitrary arrest and detention; however, there were reports that these practices occurred. Authorities continued to arrest and detain criminal suspects without legal warrants, often on the pretext that they were material witnesses.

The National Police and the National Security Service are jointly responsible for domestic security, intelligence activities, border patrols, and the police force. Both organizations are independent government organs unattached to another ministry. Police lacked training in modern investigative techniques and modern investigative tools and equipment. The majority of investigations and interview techniques were based on traditional Soviet methods. Corruption remained a large problem in the police force. During the year, the National Police dismissed several low-ranking police officials over allegations of corruption.

The Organization for Security and Cooperation in Europe (OSCE) estimated that the Yerevan police detained over 200 opposition supporters between the two rounds of the presidential election for participating in unsanctioned campaign rallies (see Section 3). Although the Constitution contains no explicit limitation on rallies and political demonstrations, the Government asserted that the detentions were permissible under the Soviet-era Administrative Violations Code. The COE had pressed the Government to remove provisions of the Code that provided for administrative detentions. The OSCE reported that over 80 individuals were subjected to administrative detention of up to 15 days for participation in "petty hooliganism," "violation of the procedure established for organizing and conducting meetings, rallies, street marches, and demonstrations," and "non-compliance with the legitimate orders of a police officer." Most of the individuals charged for their participation in opposition demonstrations were subjected to closed administrative hearings with no counsel present that determined the level of punishment: Fines or up to 15 days' detention. The OSCE also reported that the courts levied fines against other opposition supporters without any judicial or administrative hearing.

A local court sentenced Arthur Sakunts, president of the Vanadzor office of the Helsinki Citizen's Assembly, to 10 days of administrative detention on March 15 for organizing public demonstrations without a permit. Sakunts led rallies denouncing the results of the presidential elections.

Prisoners generally were allowed access to attorneys; however, their access to family members was sometimes a problem. Those detained between the two presidential election rounds were denied access to attorneys. A bail system does not exist; however, a prisoner may be released to a form of house arrest if the court is convinced that he will not flee.

A suspect may be detained for no more than 12 months pending trial, after which the suspect must be released or tried; however, this provision was not always enforced in practice, and lengthy pretrial detention remained a problem.

The Constitution does not address forced exile, but there were no reports that the Government employed it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Constitution's provisions do not insulate the courts fully from political pressure. In practice, courts were subject to pressure from the executive and legislative branches, and corruption was a problem. Lengthy public trials sometimes were a problem.

The Constitution mandates a three-level court system. The highest court is the Court of Cassation, and there are two lower-level courts: The Court of Appeals and courts of the first instance. First instance courts try most cases, with a right of appeal to the Court of Appeals, and then to the Court of Cassation. The Constitutional Court rules on the conformity of legislation with the Constitution, approves international agreements, and decides election-related legal questions. It can accept only cases proposed by the President, by two-thirds of all parliamentary deputies, or election-related cases brought by candidates for Parliament or the Presidency. Because of these limitations and the judiciary's lack of independence, the Constitutional Court did not ensure effective compliance with constitutional human rights safeguards.

The selection of judges is based on scores on a multiple-choice test to determine potential judges' fitness under the system, and on their interviews with the Minister of Justice. The list of nominations is then approved by the Council

of Justice and, finally, by the President. Judges are subject to review by the President, through the Council of Justice, after 3 years; unless they are found guilty of malfeasance, they are tenured until the age of 65.

Procurators continued to overshadow defense lawyers and judges during trials. Under the Constitution, the Council of Justice, which is co-chaired by the President, the Procurator General, and the Justice Minister, appoints and disciplines judges for the courts of first instance, Court of Appeals, and the Court of Cassation. The President appoints the other 14 members of the Justice Council and 4 of the 9 Constitutional Court judges. This authority gives the President dominant influence in appointing and dismissing judges at all levels. A national referendum in May rejected constitutional revisions proposed by a special commission and approved by the President, which would have reduced some and enhanced some of the powers of the President and the judiciary.

There is no military court system; trials involving military personnel take place in the civilian court system and are handled by military procurators. Military procurators performed the same functions as their civilian counterparts and operated in accordance with the newly adopted Criminal Code. The Military Procurator, who was also named Deputy Procurator General, was in charge of the investigation into the 1999 shootings in Parliament. In December, a Yerevan district court handed down six life sentences to those convicted of murder and terrorism for their roles in the attacks. A seventh defendant received a 14-year sentence. Some of those convicted, not including confessed mastermind Nairi Hunanian, appealed the sentences, and the case was pending at year's end. Relatives of the victims and opposition political parties criticized the Military Procurator for reported defects in his investigation of the crime.

The Criminal Procedure Code does not allow detainees to file a complaint in court prior to trial to redress abuses committed by the Procurator's Office, the police, or other security forces during criminal investigations. Witnesses have no right to legal counsel during questioning while in police custody (a period that can last up to 3 days before official charges are filed). Failure to testify is a criminal offense, and detainees must obtain permission from the police or the Procurator's Office to obtain a forensic medical examination to substantiate a report of torture. Defense lawyers may present evidence of torture in an effort to overturn improperly obtained confessions and the law requires that all such charges must be investigated; however, judges and prosecutors routinely ignored such complaints even when the perpetrator could be identified.

All trials are public except when government secrets are at issue. Defendants are required to attend their trials unless they have been accused of a minor crime not punishable by imprisonment. Defendants have access to a lawyer of their own choosing. The court appoints an attorney for any indigent defendants who need one. A 2001 survey of the courts conducted by the Helsinki Association and other NGOs reported that 38 percent of 50 respondents stated that they were not provided with defense attorneys during the preliminary investigation. Some individuals chose to defend themselves in court because they had little respect for a defense attorney's professional skills and ethics.

Defendants may confront witnesses and present evidence. The Constitution provides that those accused of crimes shall be informed of charges against them. The constitutionally mandated presumption of innocence was not always observed in practice, and acquittals were rare once a case went to trial. Defendants and prosecutors have the right to appeal.

There were no reports of political prisoners.

f. Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits unauthorized searches and provides for citizens' rights to privacy and confidentiality of correspondence, conversations, and other messages; however, the Government did not always respect these rights in practice. The security ministries must petition a judge for permission to wiretap a telephone or intercept correspondence. The judge acting alone must find a compelling need for a wiretap before granting the agency permission to proceed.

The law requires that security forces obtain a search warrant from a judge before conducting a search. Security forces were refused warrants because of lack of evidence in several cases. The Constitution provides that the judiciary must exclude evidence obtained without a warrant, and the judiciary did so in practice.

There were credible reports of improper, forced conscription of ethnic Armenian refugees from Azerbaijan, who by law are exempt from military service. The parents of such refugees were reluctant to complain because they feared reprisals against their sons. Sweep operations for draft-age men no longer occurred, although police at times maintained surveillance of draft age men to prevent them from fleeing the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press; however, while the Government generally respected freedom of speech, there were some limits on freedom of the press, including one incident of violence, the denial of broadcast licenses, and self-censorship.

Newspapers were privately owned with the exception of "Hayastani Hanrapetutyun" and its Russian-language version Respublika Armenia (a joint venture between Parliament and the newspapers' staffs). The state printing house and distribution agency functioned as commercial enterprises, with no visible government intervention. Some newspapers utilized a new private printing house. Newspapers operated with extremely limited resources, and none was completely independent of patronage from economic or political interest groups or individuals. Because of prevailing economic conditions, total newspaper circulation was small (40,000 copies, by the Yerevan Press Club's estimates, or approximately 1 copy per 85 persons). The few international newspapers and imported magazines were not censored.

State institutions that previously exerted control over the media have lost most of their functions. A Department of Information in the Ministry of Culture had no clear purpose beyond allocating small government subsidies to newspapers and occasionally interceding with the state-owned newspaper distribution agency to forward a share of its receipts to the newspapers. Newspaper readership was low because many people could not afford newspapers.

Television was the most widely accessible medium. The President's office continued to influence state television news coverage significantly. The widely available state-owned television channel, Public TV of Armenia, took policy guidance from the Government. It presented mostly factual reporting but generally avoided editorial commentary on or criticism of official actions. In Yerevan and major regional media markets, private television stations offered generally independent news coverage of good technical quality. Most of the more than 20 radio stations were private and independent. The quality of reporting on private radio and television stations varied, and self-censorship inhibited the stations from expressing editorial opinions to avoid retribution.

On April 29, two men brutally attacked Mher Galechian, a journalist with the opposition newspaper Chorrord Ishkhanutyun ("The Fourth Estate") for publishing an article critical of the head of the National Security Service (NSS). Even though Galechian did not write the article, the men demanded a retraction. The newspaper printed an article reporting that two unidentified men had visited their office to dispute the allegations against the head of the NSS. The next day, the two men returned and assaulted Galechian who sustained head injuries and was hospitalized. Law enforcement authorities did not investigate the attack.

There was no official censorship, publications presented a variety of views, and the opposition press regularly criticized government policies and leaders, including the President, on sensitive issues such as the Nagorno-Karabakh peace process and privatization. There were reports of intimidation of journalists. To avoid repetition of the past experience of retribution from powerful officials and other individuals, most journalists continued to practice self-censorship, particularly when reporting on major cases of corruption or national security issues.

In December, the National Assembly passed the law on Mass Media which requires journalists periodically to report their expenses and incomes. The law protects a journalist in performance of professional activities. In any case instituted against a journalist demanding that information sources be revealed, the information is to be provided in a closed court. The law stipulates that the practice of mass media registration will be abolished and removes the provisions on the responsibility for publication and dissemination of information without a preliminary registration from the Code on Administrative Violations. The dissemination of information may be restricted only in wartime, in the presence of a national security threat, in emergency situations, or if a court determines that the information is secret or incites to illegal acts.

The independent television station A-One Plus, the only major broadcaster that was frequently critical of the Government and widely watched in Yerevan, lost its operating frequency in a contested 2002 tendering process. During the year, the station continued its appeals process, both in local courts and at the European Court of Human Rights, which was reviewing the case at year's end. A-One Plus initiated five new applications in three rounds of tenders for frequencies used by pro-government and other broadcasters. However, the National Commission rejected the A-One Plus applications (making a total of seven rejections since the loss of their original frequency) as well as those of independent broadcaster Noyan Tapan, which was taken off the air in 2001. Now that all officially available frequencies have gone through the tender process, the next possible round will be in 5 years (broadcast licenses last for 7 years before coming up for retendering), effectively excluding A-One Plus for at

least that period. Both A-One Plus TV and Noyan Tapan remained unable to broadcast at year's end.

Most media monitoring groups and international observers contended that the Public TV, the major state-funded newspaper, as well as most major private television stations, which are generally pro-government, provided heavily biased reporting in favor of incumbent President Kocharian during the presidential election campaign; however, the country's first television debate between the two main candidates took place during the second round of the presidential election.

The Government did not restrict access to the Internet and did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Permits are required for demonstrations and marches; however, they were granted routinely.

In February, security forces in Yerevan administratively detained over 200 opposition supporters for participation in unsanctioned demonstrations (see Section 1.d.).

The Constitution provides for freedom of association; however, there were some limits on this right. There are cumbersome registration requirements for all political parties, associations, and organizations. The process of registering an organization is time-consuming, and the Government has compelled some human rights and political organizations to revise their bylaws several times in order to have their registrations accepted; however, none had been denied registration for legal reasons during the year. A new law required political parties to re-register in November to take account of the merging of many parties in the past several years. A few parties were denied re-registration, some on legal and technical grounds, and others, like a pro-monarchy party, because they did not meet the constitutional requirement that all parties honor the democratic system. No other human rights or political organizations reported problems with registration during the year.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the law specifies some restrictions on the religious freedom of adherents of faiths other than the Armenian Apostolic Church. The law establishes the separation of church and state but grants the Armenian Apostolic Church special status as the national church.

The law requires all religious denominations and organizations to register with the State Registry Office based on recommendations from the Cabinet. The Prime Minister appoints a Religious Affairs Advisor who plays a largely consultative role in the government. The Office of the State Registrar has responsibility for registering religious groups, with the Advisor on Religious Affairs holding a consultative role in the process.

A religious organization that has been refused registration may not publish newspapers or magazines, rent meeting places on government property, broadcast programs on television or radio, or officially sponsor the visas of visitors. No registered religious group has been denied reregistration under the law, and all existing registered denominations have been reregistered annually except the Hare Krishnas, whose membership fell below the membership threshold of 200, and the Jehovah's Witnesses. Members of Jehovah's Witnesses were denied registration in previous years because of their "illegal proselytism." The Jehovah's Witnesses did not seek registration during the year. The State Council also alleged that its public preaching created dissatisfaction and tension in some communities. During the introduction of the Prime Minister's new advisory committee on religion in 2002, several members made statements critical of "foreign sects" in general and of Jehovah's Witnesses in particular. In October 2002, the Advisor on Religious Affairs sent a compromise proposal to the Jehovah's Witnesses, suggesting changes in their administrative by-laws that would allow for the group's registration. The Jehovah's Witnesses were considering the proposals, pending the decision of the Assembly of Jehovah's Witnesses.

The law prohibits "proselytizing" (undefined in the law), except by the Armenian Apostolic Church, and bans foreign funding for churches whose centers are outside the country. This ban on proselytizing was not enforced, and all denominations, including Jehovah's Witnesses, could advocate their point of view. The ban on foreign funding also was not enforced, and the previous State Council on Religious Affairs considered it unenforceable. In the past, there were reports of the seizure at the border of bulk shipments of Jehovah's Witness publications; however, there were no such incidents reported during the year. Although members of Jehovah's Witnesses supposedly were allowed to bring in small quantities of printed materials for their own use, Jehovah's Witnesses officials reported that customs officials continued to confiscate "spiritual letters" from one congregation to another, which Jehovah's

Witnesses officials said were meant for internal rather than proselytizing purposes.

Members of unregistered minority religious organizations are allowed to bring in small quantities of religious literature for their own use; however, large shipments by unregistered groups are prohibited. The law also mandates that religious organizations, except the Armenian Apostolic Church, need prior permission to engage in religious activities in public places, travel abroad, or invite foreign guests to the country; however, in practice, there was no restriction on travel by the religious personnel of any denomination, including those that were unregistered.

Some groups maintained that "nontraditional" religious groups were viewed with suspicion. Some observers reported unfavorable attitudes towards Jehovah's Witnesses among the general population, both because they were viewed as "unpatriotic" for refusing military service and because of misperceptions regarding their proselytizing practices.

Jehovah's Witnesses continued to be the targets of hostile sermons by some Armenian Apostolic Church clerics and occasional societal discrimination. In May, the country's highest court reinstated Zemfira Voskanyan to her position as financial controller for a regional police division after she was dismissed for her membership in the Jehovah's Witnesses. Voskanyan returned to work but appealed the original decision, challenging the constitutionality of an internal law enforcement regulation requiring all officers to be members of the Armenian Apostolic Church. The appeal was dismissed on technical grounds.

As a result of the Nagorno-Karabakh conflict with Azerbaijan, most of the country's Muslim population was forced to leave the country by 1991, and the few remaining Muslims in the country kept a low profile. There was no formally operating mosque, although Yerevan's one surviving 18th century mosque was in practice open for regular Friday prayers on a tenuous legal basis. Although the mosque was not registered as a religious facility, the Government did not create any obstacles for Muslims who wished to pray there.

At year's end, 15 members of Jehovah's Witnesses remained in prison for draft evasion based upon their conscientious objection, and 11 members were in pretrial detention charged with draft evasion or, if forcibly drafted, with desertion due to refusal to serve. Another seven Jehovah's Witnesses were placed on probation for their conscientious objection to military service. Eight members who had been serving terms were released to house arrest after serving one-third of their sentences. Representatives of Jehovah's Witnesses said that those imprisoned were members of their community who had been called for military service who went directly to the police to turn themselves in rather than waiting until induction to declare conscientious objection. Amnesty International reported that at least 16 conscientious objectors were released from detention after serving only part of their sentences, although they were required to report regularly to the police. Others were released under the terms of an amnesty. Military conscripts who were members of Jehovah's Witnesses reported even harsher treatment than other conscripts by military and civilian security officials, because their refusal to serve in the military was seen as a threat to national security.

In December, the National Assembly passed the Law on Alternative Military Service that is scheduled to go into effect in July 2004. Under the provisions of the law, conscientious objectors will be allowed to participate in either non-combat military service or a still undefined civil/labor service. Human rights NGOs and the Council of Europe criticized the law for requiring additional lengths of service time for those participating in either form of alternative service. The Government has not made a formal announcement regarding how the law will affect conscientious objectors in prison or awaiting trial.

In September, teenagers in the town of Aparan injured four Jehovah's Witnesses in an attack. According to the Helsinki Committee and witnesses, a local priest in the Armenian Apostolic Church organized the attack.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement, Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, there were some restrictions on these rights. Since approximately 25 percent of the population has emigrated in the past 12 years, the restrictions have had an extremely limited impact.

The Government does not restrict internal movement, and citizens have the right to change their residence or workplace freely; however, citizens must negotiate with a sometimes corrupt and inefficient bureaucracy to register these changes. In addition, registration of a residence is difficult, because in order to be registered at a particular residence, a person must be either the property owner or an immediate family member of the owner. Special

written permission from the owner of the property, signed by a lawyer, is required to make a temporary or permanent registration of a non-immediate family member.

The Constitution and laws require that passports be issued to all citizens except convicted felons; however, in cases of permanent residents who wish to relocate abroad permanently, an exit stamp may be denied to persons who possess state secrets, are subject to military service, are involved in pending court cases, and against whom relatives have lodged financial claims. An exit stamp is valid for up to 5 years and may be used as many times as an individual chooses to travel. Men of military age must overcome substantial bureaucratic obstacles to travel abroad.

As a result of the Nagorno-Karabakh conflict, particularly in the period from 1988 to 1994, ethnic minorities on both sides frequently were subject to societal and governmental discrimination and intimidation, often accompanied by violence intended to drive them from the country. Almost all fled, and many gained refugee status in neighboring countries. As of July, officials stated that the number of ethnic-Armenian refugees in the country was 241,685. No official information based on the 2001 Census results has been published yet. The Government, OSCE, and the United Nations High Commissioner on Refugees (UNHCR) did not provide numbers or any other information on refugees in Nagorno-Karabakh.

A 1995 citizenship law provides the right for refugees of Armenian ethnicity to gain citizenship, provided that they are stateless and have resided in the country for the preceding 3 years. The UNHCR local office reported that 56,000 ethnic Armenian refugees had been naturalized between 1999 and November.

The Refugee Law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. In February, the Refugee Law was amended by the creation of temporary protection, which gives a more determined status to approximately 12,000 ethnic Armenian refugees from Chechnya and Abkhazia. The Government cooperated with the UNHCR and other humanitarian organizations in assisting ethnic Armenian refugees. Border officials had little training on asylum issues. There was an established procedure for the formal recognition of asylum. In some cases, rejected asylum seekers, denied permission for legal residence, were subjected to fines for illegal residence when they attempted to depart the country. However, there were few cases of applications for asylum or refugee status, since most persons used the country as a transit country.

According to the UNHCR, there were 12 open asylum cases and 28 persons who have been granted temporary asylum from such non-Commonwealth of Independent States countries as Sudan, Somalia, Iraq, and Iran.

A 2001 law states that only the President may grant political asylum status, but there have been no applications under the law. In December 2002, the National Assembly adopted the so-called "Cottage Law" (Law on Transfer of Ownership Rights of Apartments Constructed for Refugees Forcibly Displaced From Azerbaijan in 1988-1992), which gives refugees the right to privatize their houses and apartments. The UNHCR expects that at least 3,200 refugee families will become owners of the apartments they occupy.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully; however, there were serious flaws in the conduct of the year's presidential and parliamentary elections. As a result, neither election met international standards.

The presidential election was held in two rounds (February 28 and March 5), as none of the nine candidates won an outright majority in the first round of voting. According to the official tally, President Kocharian secured 49.5 percent of the vote in the first round and 67.5 percent in the runoff against Stepan Demirchian.

In both the presidential and parliamentary elections, OSCE observers witnessed substantial irregularities, including intimidation of territorial and local election commissioners supporting opposition candidates, serious procedural shortcomings in the failure to insure the integrity of the ballot papers and the vote counting, ballot box stuffing, and other fraudulent voting practices, as well as partisan election commissions. The OSCE noted in its final reports that the elections fell short of international standards and that confirmed instances of election day irregularities in the second round rose 13 percent from the first round. Authorities' harassment of opposition supporters, including arrests and punitive job dismissals, greatly increased before the second round of the presidential election. The OSCE estimated that Yerevan police detained more than 200 opposition supporters between the two rounds of the presidential elections for participating in unsanctioned campaign rallies (see Section 1.d.) The OSCE also noted

the lack of accountability for election fraud.

Opposition candidates filed several formal legal complaints in the Constitutional Court challenging the results of the presidential election. The Court identified a number of irregularities and criticized the Government's handling of the electoral process; however, they found there was no constitutional basis to change the results of the elections.

The OSCE reported that the May 25 parliamentary elections "marked an improvement" over the presidential election, although it again recorded serious flaws. While acknowledging that the Government made clear efforts to prevent continued violations of election law, the OSCE criticized the political leadership for its failure to hold perpetrators accountable for fraudulent practices. As in the presidential election, observers recorded instances of ballot box stuffing and inaccurate voter lists. Authorities proved generally willing to provide redress to losing candidates who had viable claims of fraud in their individual races. The Central Election Commission overturned the results of three parliamentary races held in majoritarian districts, ordering another round of voting that was held on June 14-15. The Constitutional Court ordered re-run elections in another two districts due to conclusive evidence of fraud. A constitutional referendum on executive and other powers to address membership requirements in the COE received a majority of votes cast but not the supermajority required.

Of the 131 seats in the National Assembly (75 elected on a proportional basis and 56 on a district-by-district majoritarian basis), 96 went to pro-government parties or deputies (the governing coalition consisting of the Republican Party, Orinats Yerkir, and the Dashnaksutyun plus several unaffiliated deputies who voted with the government bloc), with opposition candidates and parties securing 26 seats. The nominal majority in Parliament was made up of a coalition headed by the Republican Party of Prime Minister Andranik Margaryan, with Orinats Yerkir and the Dashnaksutyun serving as lesser partners. The three parties also formed the coalition cabinet. The Speaker of the National Assembly, Artur Baghdasarian, is chairman of the Orinats Yerkir Party. The opposition comprises both the Justice Bloc organized by Stepan Demirchian and the rival National Accord Party organized by Artashes Geghamian.

The only female cabinet minister is the Minister of Culture; there were several female deputy ministers. There were 6 women in the 131-seat Parliament. The population of the country is at least 95 percent ethnic Armenian; there were no ethnic minority representatives in the Cabinet or in the Parliament, although they are not prohibited from running and have run for office.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views.

The Vanadzor branch of the Helsinki Citizen's Association burned in an apparent arson the night of March 14. Authorities have not arrested or charged any suspects in connection with the attack. The following day, the head of the organization, Arthur Sakunts, was administratively detained for leading unsanctioned demonstrations against the government.

During the year, several local NGOs received Government permission to visit detention facilities (see Section 1.c.).

Keeping with the commitments it made before joining the COE, the Government permitted monitoring of its human rights practices by the COE and reaffirmed this right for the ICRC, which retained full access to civilian detention facilities. The Ministry of Justice is responsible for communicating with international observers, was responsive to requests for information; however, information about criminal cases stemming from election fraud remained incomplete.

A human rights commission within the President's office exists essentially as a reference bureau and has no formal legal powers; however, it had a modest impact in persuading authorities to review official actions on problems ranging from apartment allocations to police behavior, in some cases winning official reconsideration. The commission refers such cases to the appropriate agency, but it does not follow up on specific issues. The commission visited military units and prisons, those accused in the 1999 parliamentary killings, and the Gyumri jail to check its condition, and checked on military units to hear human rights complaints by soldiers.

On September 9, the National Assembly voted to create the position of Human Rights Ombudsman to oversee the human rights situation in the country. Numerous human rights NGOs and the Council of Europe questioned the

independence of the ombudsman and urged the National Assembly to provide greater oversight of the position and further define the ombudsman's duties.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, gender, disability, language, or social status; however, cultural and economic factors inhibited women, ethnic minorities, and persons with disabilities from participating fully in public life.

Women

There is no specific law banning violence against women, and few cases of spousal abuse or other violence against women were reported during the year; however, such violence was believed to be more widespread than statistics indicated. In a 2001 poll conducted by the local NGO Women's Rights Center (WRC), 45 percent of the respondents acknowledged that they were subjected to psychological abuse, and 25 percent considered themselves victims of physical abuse. The problem of battered wives was also believed more widespread than generally reported. In rural areas, where most women were unemployed, economic dependence forced them to tolerate domestic violence. Free medical services were almost non-existent, and psychological and legal counseling for women did not exist in most of the regions. Many cases were not reported to police because victims were afraid of physical harm if they did so, fearful that police would refuse to take action and instead return them to their husbands, or were embarrassed to make "family matters" public. Embarrassment and concerns about family honor made the problem particularly sensitive and difficult to quantify; women's groups and health professionals also declined to offer specific figures. Several NGOs in the Yerevan and Gyumri areas, and in Martuni provided shelter and assistance to battered women.

By the end of the year, authorities registered 55 cases of rape and attempted rape, with deaths of 15 women; however, observers believed the actual number of rapes to be higher. The law cites specific punishments for rape. By the end of the year, 82 persons had been convicted for rape or attempted rape.

Prostitution is not illegal, but operating brothels is prohibited. According to anecdotal evidence, most prostitutes stopped by police simply were sent to a hospital or physician for a medical check-up. A 2000 investigation, which reported that the police had registered more than 1,500 prostitutes, was considered an accurate estimate; the study showed that some prostitutes in Yerevan operated by telephone but that the vast majority of prostitutes were streetwalkers, with their "class" and desirability defined by the area of the city in which they operated.

Trafficking in women was a problem (see Section 6.f.).

The law does not specifically prohibit sexual harassment, although articles in the criminal code address different aspects of sexual harassment; however, societal norms did not consider cases of sexual harassment worthy of legal action.

Men often played a dominant role in many societal institutions, although among younger persons it was more common for women to take an active role. Although women have been present in the work force for several generations, tolerance for broadening their roles or behavior was low, particularly among older people and in the rural regions. In the workplace, women received equal pay for equal work but generally were not afforded the same professional opportunities given to men and often were relegated to more menial or low-skill jobs. The law prohibits discrimination in employment and hiring because of pregnancy; however, the extremely high unemployment rate made it difficult to gauge how effectively the law was implemented. According to official statistics, women made up 68 percent of those officially registered as unemployed (approximately 90,000). In the past, labor unions protected women's rights in the workplace, at least nominally, but the weakness of unions made them less effective (see Section 6.a.). More women than men were enrolled in university and postgraduate programs. This may in part be accounted for by the Nagorno-Karabakh situation, which necessitated a high number of men being in military service, and in part by the economic situation, which caused men to emigrate in search of employment.

Children

The Government is aware of the need to protect children, however, it did not have the economic means to provide fully for the welfare of children. Education is free, universal, and compulsory through age 14, then optional through age 16 (complete secondary education). Girls and boys received equal educational opportunities. However, many facilities were impoverished and in poor condition, and teachers were forced to tutor pupils privately to supplement salaries that were low and paid irregularly. Some teachers were known to demand bribes from parents in return for

good or passing grades for their children. Free children's health care was available for all children through the age of eight for treatment of some diseases and for emergency care, but care often was of poor quality, and the practice of demanding overt or concealed payment of fees for medical service continued.

In the Yezidi community, a high percentage of children did not attend school, partly for family economic reasons and partly because schools lack Yezidi teachers and books in their native language.

Although the Procurator-General's office did not report any cases of child abuse, a recent UNICEF study found that "Armenians acknowledge that child abuse does occur."

The Government focused its efforts regarding children's rights and welfare on measures to insulate large families--those with four or more children--from the effects of the country's poor economic conditions. The Government directed foreign humanitarian aid programs toward the most socially vulnerable families and single-parent families. Despite social programs, the number of street children increased. Although the Government did not conduct a study into the number of homeless children during the year, the Ministry of Social Welfare estimated that 130 children in Yerevan were homeless. In 2002, a local NGO reported that there were approximately 900 homeless children during the year and that the number continued to grow. Abuse of street children did not appear to be a serious problem.

Trafficking in girls continued to be a problem (see Section 6.f.).

Persons with Disabilities

The Constitution provides for the right to social security in the event of disability, and the law provides for the social, political, and individual rights of persons with disabilities; however, the Government's enforcement of the rights of persons with disabilities remained rudimentary. Legal safeguards for those with psychiatric problems are inadequate to protect patients' rights.

The law and a specially mandated government decree require accessibility in buildings for persons with disabilities; however, in practice very few buildings and other facilities were accessible to persons with disabilities.

Hospitals, residential care, and other facilities for serious disabilities were substandard. There was societal discrimination but no overt hostility against persons with disabilities.

National/Racial/Ethnic Minorities

The population was approximately 95 percent ethnic Armenian. The Government did not discriminate against the small, officially recognized "national" communities, although the economic and social situation of such groups has deteriorated substantially since independence in 1991. The Government included Russians, Ukrainians, Belarusians, Jews, Kurds, Yezidis, Assyrians, Georgians, Greeks, and Germans in the category of "national" communities. Several hundred Azeris or persons of mixed Azeri heritage still living in the country maintained a low profile in the face of societal discrimination.

The Constitution grants national minorities the right to preserve their cultural traditions and language, and the law provides linguistic minorities with the right to publish and study in their native language. There were token publications in minority languages. By law, all citizen children must be educated in Armenian language schools. In practice, virtually all students, including members of the Yezidi and Greek communities, attended Armenian-language schools, with very limited classes available in their native tongues.

Yezidi leaders continued to complain that police and local authorities subjected their community to discrimination. The Yezidis, whose number had been estimated at 20,000 by their leaders (down from 60,000 registered in the 1988 population census, due to emigration) speak a Kurdish dialect and practice a traditional, non-Christian, non-Muslim religion with elements derived from Zoroastrianism, Islam, and animism. Yezidi leaders cited numerous incidents of unfair adjudication of land, water, and grazing disputes; nonreceipt of privatized agricultural land; a high number of beatings of Yezidi conscripts in the army; and lack of police response to serious crimes committed against Yezidis by other citizens (see Section 1.c.). On occasion, Yezidi children reported hazing by teachers and classmates. The complaints likely reflected societal discrimination as well as the more general problem of poorly functioning local and central government bodies, particularly regarding national minorities. Members of the Yezidi community had previously tried to address their grievances with the Presidential Advisor on National Minorities but claimed that all their attempts have been ignored. According to the leadership of the Yezidi community, appeals on

their behalf with respect to alleged discrimination were raised at all levels of the Government; however, no government responses were forthcoming.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides employees with the right to form and join trade unions, although it stipulates that the right to form associations, including political parties and trade unions, may be limited for those persons serving in the armed services and law enforcement agencies. In practice, labor organization remained weak because of high unemployment and the weak economy. The absence of active unions and of accurate employment data precluded a reliable estimate of the percentage of the workforce that is unionized. Unions are free to affiliate with international organizations; however, none had done so at year's end.

b. The Right to Organize and Bargain Collectively

Although the Law provides for the right to organize and bargain collectively, collective bargaining was not practiced. Factory directorates generally set the pay scales without consultation with employees. Labor disputes were arbitrated in regular or economic courts.

The Constitution provides for the right to strike; however, workers had neither the financial resources to maintain a strike nor enforceable legal protection against retaliation, and existing unions played a relatively passive role.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor.

The Constitution and the law prohibit forced and bonded labor, including by children; however, there reports of trafficking (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

According to the law, 16 years is the minimum age for employment. Children may work from the age of 14 with the permission of a medical commission and the relevant labor union board. The law was enforced by local community councils, unemployment offices, and, as a final board of appeal, the courts. Children under the age of 18 are not allowed to work in difficult or dangerous jobs, night labor, or jobs that require over 6 hours of work per day, although children 16 years of age or older may apply for waivers in the latter two cases.

According to the Ministry of Social Welfare, some children up to the age of 12 were involved in family businesses, as well as in some other business activities such as agriculture where such activity is not prohibited by law. Children are prohibited specifically from engaging in arduous, or dangerous employment, even if it is their family's business, without permission by the Ministry of Social Welfare. The Ministry granted such permission only on a case-by-case basis and only for children 12 years of age or older.

The Government has not ratified ILO Convention 182 on the worst forms of child labor.

e. Acceptable Conditions of Work

The Government sets the minimum wage by decree. The monthly minimum wage was \$9 (5,000 drams) and was insufficient to provide a decent standard of living for a worker and family. The majority of the population (approximately 50.9 percent) lived below the poverty line of \$2 (1,160 drams) or less income per day, and approximately 15.9 percent of the population were considered extremely poor, with income of less than \$1 (580 drams). A significant amount of economic activity, as much as 40 percent overall and in some areas, such as retail, as high as 80 percent, took place without being recorded or taxed by the local authorities.

f. Trafficking in Persons

The new Criminal Code, adopted in April and effective in August, criminalizes trafficking in persons; however, trafficking of women and children from and through the country was a problem. Trafficking in persons committed for

"mercenary purposes" is punishable with a fine in the amount of 300 to 500 minimum salaries, correctional labor for up to 1 year, arrest for up to 2 months, or imprisonment for up to 4 years. The maximum sentence if the crime was committed under aggravated circumstances is 8 years imprisonment. Several investigations by the Office of the Procurator General, National Police, and National Security Service were ongoing at year's end. The National Police worked with law enforcement officials in both Georgia and the United Arab Emirates on trafficking investigations. The Office of the Procurator General was investigating an alleged trafficking-related corruption case involving police in Vanadzor. There have not been any convictions to date under Article 132.

A 2001 study by the International Organization of Migration (IOM) found that the country was an origin for trafficking women and adolescents, primarily for sexual exploitation, to the United Arab Emirates, Turkey, Russia, Greece, Germany, and other European countries. Of the 59 women interviewed in the study, 43 victims were trafficked from Yerevan, Gyumri, and Vanadzor. International organizations, including IOM and OSCE, which published a joint report with UNICEF on trafficking in 2001, believed that trafficking took place on a scale larger than generally acknowledged and that there were more women and adolescents working as prostitutes in the United Arab Emirates than the 300 reported by the Government. The Government, NGOs, and international organizations were unable to estimate the numbers of women and girls who might have been trafficked to work as prostitutes in Turkey, Russia, and Europe. There were undocumented anecdotal reports of persons trafficked into the country for sexual exploitation from Russia and the Ukraine and anecdotal reports of trafficking within the country; however, there was no reliable information on such trafficking.

Officials stated that many women who claimed to have been trafficked were actually prostitutes who had departed the country voluntarily, perhaps without clear understanding of the abuses they would encounter.

Government and other reports indicated that traffickers primarily targeted young women and girls from socially vulnerable groups. Police officials believed that some of the approached victims were already engaged in prostitution. There were anecdotal cases of older children from orphanages and poor families sold to wealthy men in Dubai, but there was no documentation other than victim testimony to NGOs. An orphanage run by a religious group reported that older girls had been urged by relatives to "earn their share" for the family by engaging in prostitution. Most potential victims were approached by persons whom they personally knew, such as, neighbors or distant relatives, or by travel agencies. In some case, recruiters told victims that they would be working in such jobs as babysitters, waitresses, or cleaning ladies. According to international organizations and some NGOs, only a few of the victims knew before departure the exploitation to which they would be subject.

A broad-based Interagency Commission to Address Issues Related to Human Trafficking, chaired by the Ministry of Foreign Affairs and including representatives of relevant ministries and law enforcement agencies, coordinated activities of different government agencies and worked with donor organizations. During the summer, the Commission created a draft National Plan of Action (NPA) and Concept Paper on Combating Trafficking in Human Beings and provided the draft to various international organizations and diplomatic missions for comment; the NPA was pending final approval at year's end.

The International Organization for Migration (IOM) and a local NGO, Hope and Help, with international funding, operated a program of assistance, which has assisted eight victims to date: six Uzbek nationals that were trafficked to the country for the purpose of sexual exploitation and two returnee victims of trafficking. In addition, the IOM assisted two Uzbek nationals who were transiting the country after escaping from traffickers in Turkey and in the United Arab Emirates to repatriate.

NGOs and international organizations in the country have taken concrete steps. A foreign-funded program for journalists and government officials on awareness campaigns and investigative reporting resulted in a marked increase in media coverage and improved Government cooperation with journalists reporting on trafficking. A U.N.-organized group of interested NGOs and the Government collaborated on a series of public awareness events including screening of the film "Lilya 4ever" followed by a discussion of the local situation. The events took place at the "Moscow" Movie Theater, the American University and in the cities of Gyumri and Noyemberian. Internews produced a talk show on trafficking issues in the spring, which included participants from the government's trafficking commission, diplomatic missions, IOM, and the U.N. Development Program. In mid-January, the UNHCR launched a foreign-funded anti-trafficking public awareness program designed for refugee communities in the country. The NGO Hope and Help, with local government participation and organizational support, established a community public awareness program in the Tavush region. The Armenian Red Cross, with foreign funding, created a website on trafficking issues in the country and began production of public service announcements to inform the population of the trafficking phenomenon. The governmental Inter-agency Commission participated in these endeavors by providing speakers.